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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,527	07/30/1999	ERIC HORVITZ	1018.025US1	9577

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EXAMINER
SINGH, RACHNA

ART UNIT	PAPER NUMBER
2176	14

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/364,527	Applicant(s) HORVITZ, ERIC	
	Examiner Rachna Singh	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 May 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). *13* .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This communication is responsive to: Application filed 7/30/99, Amendment A filed 5/7/03, and Interview on May 7, 2003.

2. Claims 1-35 were cancelled by Amendment A. Claim 36 is pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 5 of the claim, the limitation beginning "***"an implicit training module configured to continually watch text selected by a user while working, the selected text having an assigned priority and comprising new training messages to the text classifier, such that the text classifier is updated by training in the background using the new training messages for enhancing priority decision making"***, it is unclear what the training module is configured to do. Since the phrase "and comprising new training messages to the text classifier" can be linked to either "the selected text" or to "the training module", it is unclear what the claim language as written means. In other words, is the selected text having an assigned priority and comprising new training messages to the text classifier OR is the training module configured to continually watch text selected by a user while working and comprising new training messages to the text classifier.

Moreover in regards to claim 36, it is unclear as to where the "assigned priority" (line 6 of the claim) is derived from. Although the Applicant's specifications lead Examiner to believe that the assigned priority is derived from what is stored in the storage media, Examiner requests clarity within the claim.

Interference

4. In reference to Applicant's request to provoke interference, please take the following remarks into consideration.

In comparing claim 36 of Applicant's invention to claim 1 of U.S. Patent 6,408,277 B1 (herein referred to as Nelken), Examiner notes that a "storage media" of the present invention differs from a "task queue" of Nelken. A queue indicates the presence of some software algorithm; whereas, a "storage media" implies hardware configured to store some data, not a software algorithm. A task queue is able to store each incoming task according to its priority and how that priority compares to the priority of other tasks present in the queue. The storage media of the present invention does not provide the software capabilities that exist in Nelken's task queue. A storage media is simply hardware that stores the information after its been received and prioritized outside the storage media. Since the distinction between a task queue and storage media have been noted, characteristics of this distinction are carried throughout the remaining portions claim 36 of the present invention against claim 1 of Nelken.

Also in comparing claim 36 of Applicant's invention to claim 1 of Nelken, it is noted that Nelken's "task" differs from Applicant's "text" since a task incorporates any action that can be performed by the agent or electronic system (see Nelken, column 1).

While a task can incorporate a piece of data such as text, it is also able to incorporate the action of choosing a message. This distinction is significant in comparing the two claims since Nelken teaches monitoring how tasks are selected from the "task queue" whereas, the present invention teaches watching the users interaction with text and prioritizing according to the tracking and then feeding that back to the text classifier. These steps are different since one is working within the task queue whereas the other works with the text classifier and is later stored in a storage media.

In regards to the rejections and distinctions presented between the present invention and the Nelken patent above, Examiner is not convinced that an Interference should be provoked at this time.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh at 703.305.1952. The examiner can normally be reached on Monday-Friday from 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached at 703.305.9792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703.305.3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

After-Final	**703.746.7238**
Official	**703.746.7239**
Non-Official/Draft	**703.746.7240**

Hand-Delivered responses should be brought to Crystal park II, 2121 Crystal Drive, Arlington VA., Sixth Floor (Receptionist).

Rachna Singh
June 30, 2003

JOSEPH H. FEILD
PRIMARY EXAMINER